

# HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

## REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA)

<i>Application Number</i>	10/567,074
<i>Filing Date</i>	June 26, 2006
<i>Confirmation Number</i>	2296
<i>First Named Inventor</i>	Stephen W. Scherer
<i>Group Art Unit</i>	1634
<i>Examiner Name</i>	Jeanine Anne Goldberg
<i>Attorney Docket Number</i>	4012.1000-003

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

### 1. Submission required under 37 CFR § 1.114

**Note:** If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a.  Previously submitted
  - i.  Consider the amendment(s)/reply under 37 CFR § 1.116 previously filed on **August 7, 2009**.  
(Any unentered amendment(s) referred to above will be entered).
  - ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on [ ].
  - iii.  Other - - [ ]
- b.  Please do not enter the amendment(s)/reply under 37 CFR § 1.116 previously filed on [ ]
- c.  Enclosed
  - i.  Amendment After Final/Reply
  - ii.  Affidavit(s)/Declaration(s)
  - iii.  Information Disclosure Statement (IDS)
  - iv.  Petition for Extension of Time - [ ] month(s) - [separate sheet] [included in amend. fee trans.]
  - v.  Other - -

### 2. Miscellaneous

- a.  Suspension of action on the above-identified application is requested under 37 CFR § 1.103(c) for a period of [ ] months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR § 1.17(i) **required**)
- b.  Other - - [ ]

### 3. Fees

- The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed.
- a.  A check is enclosed for the fees indicated in b. in the total amount of \$[ ]  
OR
    - Authorization is granted to charge the fees indicated in b. in the total amount of **\$810.00** to Deposit Account No. 08-0380.
  - b. i.  RCE fee required under 37 CFR § 1.17(e)
    - ii.  Extension of time fee (37 CFR §§ 1.136 and 1.17)
    - iii.  Amendment Fee
    - iv.  Other - - [ ]
  - c.  Authorization is hereby granted to charge any deficiency in fees or credit any overpayments to Deposit Account No. 08-0380.

### SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED

Signature	/Doreen M. Hogle Reg. No. 36,361/	Registration No. (Attorney/Agent)	36,361
Name (Print/Type)	Doreen M. Hogle	Date	September 9, 2009

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the US Patent & Trademark Office on the date shown below:

Signature			
Name (Print/Type)		Date	